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Atty Dkt.: 1579-645

Date: July 26, 2004

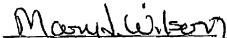
To: Examiner Helms, L. - Group: 1652

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Facsimile No.: (703) 872-9306

From: Mary J. Wilson

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and Trademark Office on July 26, 2004.
Mary J. Wilson**ATTACHMENT/S: OFFICIAL RESPONSE****MESSAGE:**

In re PATENT APPLICATION OF:

KAUFMAN et al

Serial No.: 10/080,522

Filed: February 25, 2002

For: GENE PRODUCT OVER EXPRESSED IN CANCER CELLS

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 1579-645

KAUFMAN et al

TC/A.U.

C# M#
1852RECEIVED
CENTRAL FAX CENTER

Serial No. 10/080,522

Examiner: Helms, L.

JUL 26 2004

Filed: February 25, 2002

Date: July 28, 2004

Title: GENE PRODUCT OVER EXPRESSED IN CANCER CELLS

OFFICIAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$ 88.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$290.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$420.00/2 months; \$950.00/3 months) \$ 950.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$770.00) \$ 0.00

☐ Please enter the previously unentered, filed☐ Submission attached**Subtotal \$ 950.00**

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 475.00

☒ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 58 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

TOTAL FEE TO BE DEBITED \$ 475.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8th Floor
Arlington, Virginia 22201-4714
Telephone: (703) 816-4000
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MJW:latNIXON & VANDERHYE P.C.
By Atty: Mary J. Wilson, Reg. No. 32,955Signature: Mary J. Wilson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 1579-845

KAUFMAN et al

TC/A.U.

C# M#

1852

Serial No. 10/080,522

Examiner: Helms, L.

Filed: February 25, 2002

Date: July 26, 2004

Title: GENE PRODUCT OVER EXPRESSED IN CANCER CELLS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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NIXON & VANDERHYE P.C.

By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: Mary J. Wilson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

KAUFMAN et al

Atty. Ref.: 1579-645; Confirmation No. 8638

Appl. No. 10/080,522

TC/A.U. 1652

Filed: February 25, 2002

Examiner: Helms, L.

For: GENE PRODUCT OVER EXPRESSED IN CANCER CELLS

* * * * *

July 26, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

This is in response to the Office Action dated March 24, 2004 in the above matter, the period for response having been extended up to July 24, 2004, by submission of the required petition and fee herewith.

In response to the Examiner's requirement for restriction, Applicants elect the subject matter of Group III (claims 21, 22, 29 and 30) for prosecution in this application. The election is made with traverse.

The Examiner is requested to reconsider the requirement for restriction at least as between the claims of Group III and the claims of Group V. It is believed that a comprehensive search of the subject matter of Group III would include the subject matter

KAUFMAN et al
Appl. No. 10/080,522
July 26, 2004

of Group V (despite the classification differences indicated by the Examiner). That being the case, no undue burden would be placed on the Examiner if the claims of Groups III and V were to be considered in the same application.

If the Examiner elects to maintain the requirement for restriction as between Group III and V, the Examiner is requested to rejoin the claims of Group V once the claims of Group III are found to be allowable.

An early and favorable Action on the merits is requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: Mary J. Wilson
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